THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4654 OF 2005

DATED:20-07-2006

BETWEEN

Madhava Hytech Engineers Private Limited

… Petitioner

and

The District Collector, Ranga Reddy District, Lakdi-ka-pool, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4564 OF 2005

ORDER:

The petitioner is a company, which allegedly owns Acs.2.12 guntas in survey No.461 in Uppal village, Ranga Reddy District, situated on the backside of the land in survey No.505/3. It appears the fifth respondent herein claims to have purchased the land in survey No.505/3 admeasuring Acs.0.11 guntas. The petitioner alleges that the part of the said land forms part of a 40 feet wide pathway and no construction is permitted thereon. Therefore, the petitioner approached the third respondent by making as many as four representations requesting necessary action against fifth respondent, who is alleged to have encroached upon the road/pathway. The petitioner also filed writ petition being W.P.No.496 of 2005 before this Court. The same was disposed of by this Court at the admission stage on 25.01.2005 directing the District Collector, Ranga Reddy District; Mandal Revenue Officer, Uppal; the Commissioner of Uppal Municipality and S.H.O., P.S., Uppal, to take appropriate action on the representations made by the petitioner. The petitioner still contends that no action has been taken so far. Therefore, the petitioner again filed the present writ petition seeking a direction to the respondents.

Though the matter is admitted on 22.06.2005, the respondents have not filed any counter affidavit. However, learned standing counsel for Uppal Municipality, after obtaining instructions, submits that the Municipality has issued notice under sub-section (1) of Section 228 of A.P.Municipalities Act, 1965 (the Act, for brevity) and subsequently also issued a final confirmatory order under sub-section (3) of Section 228 of the Act, directing the fifth respondent to remove the illegal constructions and encroachments. At that stage, the present writ petition is filed. The learned standing counsel, however, is not able to say the further action that was taken against the fifth respondent.

Now that a final conformation order is already issued under Section 228(3)

of the Act directing the fifth respondent to remove the illegal constructions. If the final order has not been complied with, it shall be open to the third respondent to proceed further in accordance with law against the fifth respondent.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

20.07.2006
pln